

AMENDED IN ASSEMBLY MARCH 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 811

Introduced by Assembly Member Hall

February 17, 2011

An act to amend Section 28235 of, and to add Article 6.1 (commencing with Section 27970) to, Chapter 4 of Division 6 of, Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 811, as amended, Hall. Firearms: Private Patrol Operators: registration and assignment.

Existing law generally regulates the ownership and transfer of firearms, but does not authorize business entities to own or register firearms.

This bill would establish procedures allowing Private Patrol Operators to own firearms and to assign those firearms to employees of the Private Patrol Operator who are licensed security-officers *guards*. The bill would state findings and declarations of the Legislature, and the intent of the Legislature in connection with these procedures. The bill would direct the Department of Justice to modify and create forms, and charge reasonable fees for the filing and processing of those forms and for enforcement of these provisions. The bill would require security-officers *guards*, within 48 hours of the Private Patrol Operator's request, for any reason, ~~or upon~~ *and within 48 hours of* separation of employment or revocation of the security-officer's *guard's* firearm qualification card, to return the firearm to the Private Patrol Operator. Failure to comply with the 48-hour return requirement would be a misdemeanor.

By creating a new crime, this bill would impose a state-mandated local program.

The bill would make other conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6.1 (commencing with Section 27970) is
2 added to Chapter 4 of Division 6 of Title 4 of Part 6 of the Penal
3 Code, to read:

4
5 Article 6.1. Ownership, Registration, and Assignment of
6 Firearms by Private Patrol Operators
7

8 27970. (a) (1) The Legislature finds and declares that current
9 practices and statutes authorize the purchase, registration, and
10 ownership of firearms by individuals, but not by business entities.

11 (2) It is the intent of the Legislature in enacting this chapter to
12 allow business ownership and registration of firearms in the case
13 of Private Patrol Operators. It is further the intent of the Legislature
14 to establish procedures whereby a Private Patrol Operator may
15 assign firearms it owns to its employees *who are licensed to carry*
16 *firearms* and that the assignment of a firearm by a Private Patrol
17 Operator to ~~an~~ *that* employee shall not constitute a loan, sale, or
18 transfer of a firearm.

19 (b) For purposes of this article, the following definitions shall
20 apply:

21 (1) "Department" means the Department of Justice.

22 (2) "Private Patrol Operator" or "PPO" means a Private Patrol
23 Operator licensed pursuant to Chapter 11.5 (commencing with
24 Section 7580) of Division 3 of the Business and Professions Code.

25 27975. (a) The department shall modify the Dealers' Record
26 of Sale (DROS) form to allow a PPO to be listed as the purchaser
27 and owner of a firearm. The form shall also identify the status of

1 the PPO as a sole proprietorship, partnership, or corporate entity,
2 and include any tax identification number or other identifying
3 number that may be required by the department.

4 (b) The department shall also modify the DROS form to ~~allow~~
5 *require* the PPO to designate a “firearms custodian” for the PPO.
6 The firearms custodian shall possess a valid firearm qualification
7 card issued by the Department of Consumer Affairs.

8 (c) The PPO shall, on a separate form, and in a manner
9 prescribed by the department, identify the person who is designated
10 by the PPO as the firearms custodian for the PPO. If a firearms
11 custodian ceases to be employed by the PPO, or otherwise becomes
12 ineligible to be the firearms custodian, the PPO shall inform the
13 department of that fact, in a manner prescribed by the department,
14 and the PPO shall have 30 days to designate a replacement firearms
15 custodian.

16 (d) (1) The department shall prescribe a “Certificate of
17 Assignment” or “COA.” The COA shall contain the same fields
18 as the DROS form, and shall be used to identify the employee of
19 the PPO who has been assigned a firearm by the PPO *pursuant to*
20 *this article*.

21 (2) Upon the PPO assigning a firearm to an employee who is a
22 security-~~officer~~ *guard* licensed pursuant to Chapter 11.5
23 (commencing with Section 7580) of Division 3 of the Business
24 and Professions Code, the licensed security-~~officer~~ *guard* shall
25 complete the COA, and the PPO shall file the COA with the
26 department *in a timely manner as prescribed by the department*.

27 27980. The department shall charge a fee not to exceed the
28 reasonable costs to the department for filing and processing a form
29 identifying the firearms custodian of the PPO, for filing and
30 processing a COA, and for costs incurred in enforcing the
31 provisions of this article, including, but not limited to, processing
32 forms required by this article, and entering information obtained
33 pursuant to this article into the department’s Automated Firearms
34 System and other databases as deemed necessary by the
35 department. The fees shall be deposited in the Dealers’ Record of
36 Sale Special Account.

37 27985. No PPO may assign a firearm pursuant to this article
38 if there is no designated firearms custodian for the PPO. If the PPO
39 ceases to do business, ~~or ceases to possess a valid PPO license as~~
40 *determined by the Director of the Department of Consumer Affairs,*

1 ceases as a business entity, *or changes its type of business*
2 *formation, then* the firearms custodian and the PPO shall, within
3 30 days and unless otherwise prohibited by law, complete new
4 DROS forms for all PPO-owned firearms and transfer those
5 firearms to a new owner. The firearms custodian shall be
6 responsible at all times for the possession of all firearms listed as
7 owned by the PPO, including after the PPO ceases to do business
8 or ceases as a business entity, until the firearms are transferred to
9 a new owner pursuant to this section. If the PPO refuses or
10 otherwise fails to complete new DROS forms, the firearms
11 custodian shall submit the new form on behalf of the PPO.

12 27990. Notwithstanding any other provision of law, an
13 assignment of a firearm pursuant to this article shall not constitute
14 a loan, sale, or transfer of a firearm.

15 27995. (a) Within 48 hours of the PPO's request, for any
16 reason, ~~or upon~~ *within 48 hours of* separation of employment or
17 revocation of the firearm qualification card, the security ~~officer~~
18 *guard* shall return the firearm to the PPO. *Nothing in this article*
19 *shall be construed to limit the right of a licensed security guard*
20 *employee to use, possess, or otherwise lawfully carry a firearm*
21 *owned by that employee.*

22 (b) A violation of subdivision (a) is a misdemeanor.

23 SEC. 2. Section 28235 of the Penal Code is amended to read:

24 28235. All money received by the department pursuant to this
25 article shall be deposited in the Dealers' Record of Sale Special
26 Account of the General Fund, which is hereby created, to be
27 available, upon appropriation by the Legislature, for expenditure
28 by the department to offset the costs incurred pursuant to any of
29 the following:

30 (a) This article.

31 (b) Section 18910.

32 (c) Section 27555.

33 (d) Subdivisions (d) and (e) of Section 27560.

34 (e) Article 6.1 (commencing with Section 27970) of Chapter 4.

35 (f) Article 6 (commencing with Section 28450).

36 (g) Section 31110.

37 (h) Section 31115.

38 (i) Subdivision (a) of Section 32020.

39 (j) Section 32670.

40 (k) Section 33320.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

O